

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1103*

House Bill No. 1085

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 67, Chapter 5, is amended by
adding the following as a new part:

Section _____. (a) The local tax collecting officers, being the assessor of
property and the county trustee with respect to county personal property taxes
and the comparable tax collecting officers in a municipality with respect to
municipal property taxes, may waive the enforcement and collection of all, but
not a portion of, personal property taxes, penalties and interest in cases in which
the tax collecting officers determine, after reviewing the facts and circumstances,
that:

(1) The business or enterprise which was subject to the tax levy
had ceased all business operations prior to the assessment date;

(2) The personal property of an out-of-existence business or
enterprise cannot be located after diligent search and inquiry; and

(3) Neither fraud nor an intention to avoid payment of the taxes
on the part of the business or enterprise caused the circumstances giving
rise to such waiver.

(b) Any waiver under this part shall be included and set forth as a credit
in the monthly settlement and annual statement pursuant to §§ 67-5-1903 and
67-5-1904.

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(c) With respect to personal property taxes, penalties and interest for which no delinquent tax lawsuit has been filed, the local tax collecting officers shall provide a report to the chief executive officer of the local government of the taxes, penalties and interest waived under this section. With respect to delinquent personal property taxes, for which the delinquent lawsuit has been filed, the court having jurisdiction of the delinquent tax lawsuit may, upon motion and a finding that (1) - (3) exist, order the waiver of enforcement and collection of all, but not a portion of, such personal property taxes, penalties and interest, and attorney fees and costs.

Section _____. (a) All or any portion of penalty and interest and attorney fees which are due on real property taxes may be waived by order of the court having jurisdiction of the delinquent tax lawsuit upon a motion and a finding that (1) - (4) herein exist.

(1) The property has been determined to be environmentally hazardous pursuant to federal or state environmental protection or hazardous materials laws by those officials, agencies or courts with the responsibility for enforcing the environmental protection or hazardous materials laws (a superfund site);

(2) The county legislative body has determined that no bid should be made on behalf of the governmental entity to which taxes are owed pursuant to § 67-5-2506;

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(3) The waiver is made in conjunction with the remediation and
cleanup of the property; and

(4) The circumstances giving rise to the waiver did not result from
fraud or an intention to avoid payment.

Section 2. This act shall take effect upon becoming a law, the public welfare
requiring it.

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